

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

(1) IVAN DIAZ,)
)
)
Plaintiff,)
)
vs.) Case No. 16-CV-767-GKF-FHM
)
)
(1) JOHN ZINK COMPANY, LLC,)
a Foreign For Profit Business Corporation,)
d/b/a JOHN ZINK HAMWORTHY)
COMBUSTION,)
)
Defendant.)

NOTICE OF REMOVAL

TO: PLAINTIFF IVAN DIAZ AND
HIS ATTORNEYS OF RECORD

Pursuant to 28 U.S.C. §§ 1331, 1367, 1441(a) and 1446, and LCvR 81.2, Defendant, John Zink Company, LLC (“Defendant”), hereby files with this Court its Notice of Removal from the District Court of Tulsa County, State of Oklahoma, Case No. CJ-2016-4470, which is styled *Ivan Diaz, Plaintiff, v. John Zink Company, LLC, a Foreign For Profit Business Corporation, d/b/a John Zink Hamworthy Combustion, Defendant.*

The following statements are submitted pursuant to 28 U.S.C. § 1446:

1. Pursuant to LCvR 81.2 of the United States District Court for the Northern District of Oklahoma, copies of all matters filed of record in the state court proceeding or served upon Defendant are attached hereto, along with a copy of the State Court docket sheet, and all such matters include the following:

- a. Summons issued to Defendant; and
- b. Plaintiff's Petition.

2. Plaintiff alleges a cause of action for discrimination and retaliation in violation of the Family and Medical Leave Act of 1993, 29 U.S.C., § 2601, *et seq.*, and a cause of action for intentional infliction of emotional distress. *See* Petition, ¶¶ 18-21.

3. This Court has jurisdiction of this action pursuant to 28 U.S.C. § 1331 and § 1337.

WHEREFORE, Defendant, John Zink Company, LLC, prays that the above action now pending against it in the District Court of Tulsa County, State of Oklahoma, be removed to this Court.

Respectfully submitted,

**NEWTON, O'CONNOR, TURNER & KETCHUM
A PROFESSIONAL CORPORATION**

By:/s/ W. Kirk Turner

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**ATTORNEYS FOR DEFENDANT,
JOHN ZINK COMPANY, LLC**

CERTIFICATE OF SERVICE

- I hereby certify that on December 29, 2016, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

Daniel E. Smolen, Esq.

- I hereby certify that on _____, 2016, I served the foregoing document by mail on the following, who are not registered participants of the ECF System (None):

/s/ W. Kirk Turner _____

W. Kirk Turner